

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DOUG DANILOFF,

*Plaintiff,*

v.

JP MORGAN CHASE BANK, N.A.,

*Defendant.*

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CIVIL ACTION NO. 3:20-cv-3226

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant JPMorgan Chase Bank, N.A. (“*Chase*”), erroneously sued as JP Morgan Chase Bank, N.A., hereby gives notice of the removal of the state-court civil action described below on the basis of federal question jurisdiction. As grounds for the removal, Chase respectfully states the following:

**I. INTRODUCTION**

1. On September 28, 2020, Plaintiff Louis Bracken (“*Plaintiff*”) filed Plaintiff’s Original Petition against Chase, numbered and styled as *Doug Daniloﬀ v. JP Morgan Chase Bank, N.A.*, Cause No. JS2000352N, in the Justice Court, Precinct 3, Place 2, of Dallas County, Texas (the “*Complaint*”).

2. In the Complaint, Plaintiff alleges violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq* (“*FCRA*”).

3. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, orders, and other papers filed in the state court action and obtained by Chase are attached hereto and marked as composite **Exhibit “A”** and incorporated herein by reference.

## **II. TIMELINESS OF REMOVAL**

4. Chase was served with citation of Plaintiff's Complaint on October 6, 2020. Therefore, pursuant to 28 U.S.C. § 1446(b)(1), this notice of removal is timely.<sup>1</sup>

## **III. BASIS FOR REMOVAL – FEDERAL QUESTION JURISDICTION**

5. Removal is proper because this case is a civil action involving a federal question. Plaintiff brings asserts a claim against Chase for violations of the FCRA, a federal statute over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. By virtue of this pleaded claim, the Court has federal question jurisdiction over this case.

## **IV. ADDITIONAL REQUIREMENTS**

6. Venue is proper in the United States District Court for the Northern District of Texas, Dallas Division, because this district and division includes Dallas County, Texas, the location where the state court action is currently pending.<sup>2</sup>

7. Written notice of removal will be provided to Plaintiff and filed with the Justice Court Clerk of Dallas County, Texas.

8. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11.<sup>3</sup>

9. Plaintiff did demand a jury trial in his Complaint.

10. In the event that Plaintiff seeks to remand this case, or the Court considers remand *sua sponte*, Chase respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

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<sup>1</sup> See 28 U.S.C. § 1446(b)(1). See also *Thompson v. Deutsche Bank Nat'l Tr. Co.*, 775 F.3d 298, 303 (5th Cir. 2014) (citing *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48, 119 S.Ct. 1322, 143 L.Ed. 448 (1999) (the federal removal and jurisdiction statutes "clearly provide that a defendant's right to removal runs from the date on which it is formally served with process.")).

<sup>2</sup> 28 U.S.C. § 124(a)(1) (stating that the Dallas Division of the Northern District includes Dallas County). However, Chase reserves the right to challenge venue because it appears Plaintiff is a resident of Florida.

<sup>3</sup> See 28 U.S.C. § 1446(a).

For the above reasons, having satisfied the requirements for removal, Chase gives notice that Case No. JS2000352N originally filed in the Justice Court, Precinct 3, Place 2, of Dallas County, Texas, has been removed to this Court.

Respectfully submitted,

By: /s/Helen Mosothoane

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**ATTORNEYS FOR DEFENDANT  
JPMORGAN CHASE BANK, N.A.**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2020, a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing has been forwarded to all parties, by and through their attorneys of record by operation of the Court's electronic filing system.

/s/ Helen Mosothoane

**HELEN MOSOTHOANE**